

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/11/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANDREW TORO, on behalf of himself and	:	
all others similarly situated,	:	
	:	
Plaintiff,	:	
-against-	:	23-CV-2268 (VEC)
	:	
	:	<u>ORDER</u>
BLACK SHEEP ENTERPRISE, INC.,	:	
	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 16, 2023, Plaintiff sued Black Sheep Enterprise, Inc., alleging that its failure to make its website accessible to visually impaired persons violates the Americans with Disability Act (“ADA”), the New York State Human Rights Law, and the New York City Human Rights Law, *see* Compl., Dkt. 1

WHEREAS on April 24, 2023, Plaintiff was ordered to move for leave to amend the complaint due to failure to allege standing, *see* Dkt. 7;

WHEREAS on April 27, 2023, Plaintiff filed a notice of settlement seeking a stay of all deadlines, Dkt. 9;

WHEREAS because Plaintiff has not adequately alleged standing, the Court lacks subject-matter jurisdiction over this case and can only dismiss the action without prejudice, *see Bank v. U.S. Dep’t of Health & Human Servs.*, 708 F. App’x 43, 44–45 (2d Cir. 2018) (summary order);


WHEREAS on May 1, 2023, the Court ordered Plaintiff to make a motion for leave to amend the complaint by May 5, 2023, or else the case would be dismissed without prejudice for lack of standing, *see* Dkt. 10; and

WHEREAS the Court has yet to receive any response from Plaintiff.

IT IS HEREBY ORDERED that this case is DISMISSED without prejudice and without costs. The Clerk of Court is respectfully directed to terminate all open motions and deadlines and to CLOSE this case.

SO ORDERED.

Date: May 11, 2023
New York, New York



VALERIE CAPRONI
United States District Judge